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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,421	07/28/2001	Alan D. Ward	10960563-2	2020

7590 07/15/2004

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT PAPER NUMBER

2126

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/917,421

Applicant(s)

WARD ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

2126

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

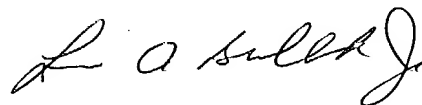
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 31-37 and 42-46.Claim(s) objected to: 22-28,30 and 39-41.Claim(s) rejected: 21,29 and 38.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are unpersuasive. Applicant's sole argument is that Brown does not teach attaching the graphics diagnostic tool to at least one selected portion of the computer graphics system during normal operations of a currently executing graphics application, thereby without interruption to the normal operations of the graphics application. The examiner disagrees. Brown teaches that the Interceptor is a collection of shell procedures that are linked with the applications program prior to library (col. 4, lines 40-45). Brown teaches that at least selected procedure calls issued by application program during execution are captured by interceptor and recorded by recorder wherein these calls are recorded and analyzed in addition to being reissued for processing (col. 4, lines 18-27). Brown teaches that the interceptor and recorder operate under control of controller which provides an interface through which the operator can enable and disable recording (col. 4, lines 34-39). The examiner has interpreted this selective enabling and disabling of the association of the recorder to be defined attachment of the recorder to the graphics system. Brown teaches that the interceptor element passes the procedure name and parameter list to recorder, if the operator has enabled recording via an instruction issued to controller and regardless of whether recording is enabled the interceptor invokes the graphics library with the intercepted call permitting the application program to run in the normal manner while the interceptor and recorder are tracking the traced calls (col. 4, line 65 - col. 5, line 6). Therefore, Brown teaches the limitation of attaching a graphics diagnostic tool to at least one selected portion of the computer graphics system during normal operations of a currently executing graphics application and without interruption to the normal operations of the graphics application since the recorder is selectively enabled and disabled to process the data, i.e. enable the recorder to process and analyze the data thereby attaching the recorder, to the graphics system during the normal operations of the graphics application, i.e. during normal procedure calls of the graphics application regardless if the recorder is enabled or disabled.

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